

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1461

**Introduced by Assembly ~~Member Gonzalez~~ *Members Gonzalez,
Alejo, and McCarty***

February 27, 2015

An act to add Chapter 4.5 (commencing with Section 2260) to Division 2 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 1461, as amended, Gonzalez. Voter registration.

Existing law, the federal National Voter Registration Act of 1993, requires a state to, among other things, establish procedures to register a person to vote by application made simultaneously with an application for a new or renewal of a motor vehicle driver’s license. The federal act requires the motor vehicle driver’s license application to serve as an application for voter registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires the application to be considered as updating the applicant’s previous voter registration, if any. The federal act defines “motor vehicle driver’s license” to include any personal identification document issued by a state motor vehicle authority.

Under existing state law, a person may not be registered to vote except by affidavit of registration. Existing law requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to

the Department of Motor Vehicles on or before the 15th day before the election. Existing state law requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

Existing law requires the Department of Motor Vehicles to issue driver's licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver's license or state identification card to submit satisfactory proof to the department that the applicant's presence in the United States is authorized under federal law.

This bill would require the Secretary of State and the Department of Motor Vehicles to establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter. Under the program, the Department of Motor Vehicles would be required to electronically provide to the Secretary of State the records of each person who is issued an original or renewal of a driver's ~~license, as specified~~ license or state identification card if the proof that the applicant is required to submit to prove that his or her presence in the United States is authorized under federal law also establishes that the applicant is a citizen of the United States. In turn, the Secretary of State would be required to provide those records to the county elections official of the county in which the person may be registered to vote and to notify the person that he or she will be registered to vote unless he or she declines to be registered within 21 days after the date that the Secretary of State issues the notice. If a person does not decline to be registered to vote within that time period, this bill would provide that the person's motor vehicle records shall constitute a completed affidavit of registration and the person shall be registered to vote. This bill would require the Secretary of State to adopt regulations to implement this program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 4.5 (commencing with Section 2260) is
- 2 added to Division 2 of the Elections Code, to read:

1 CHAPTER 4.5. CALIFORNIA NEW MOTOR VOTER PROGRAM

2
3 2260. This act shall be known and may be cited as the
4 California New Motor Voter Program.

5 2261. The Legislature finds and declares all of the following:

6 (a) Voter registration is one of the biggest barriers to
7 participation in our democracy.

8 (b) In 1993, Congress enacted the federal National Voter
9 Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), commonly
10 known as the “Motor Voter Law,” with findings recognizing that
11 the right of citizens to vote is a fundamental right; it is the duty of
12 federal, state, and local governments to promote the exercise of
13 the right to vote; and the primary purpose of the act is to increase
14 the number of eligible citizens who register to vote.

15 (c) In 2014, with nearly 7 million Californians eligible to vote
16 but not registered, California ranks 38th among the 50 states in
17 voter registration.

18 (d) In the 2014 elections, voter turnout nationwide was the
19 lowest since World War II, with California ranking 43rd in voter
20 participation.

21 (e) Voting laws and practices have evolved over time with the
22 goal of increasing voter participation, as illustrated by the history
23 of vote by mail. While going to the polls on election day was once
24 the only option for voting, vote by mail voting initially provided
25 an alternate means of voting for voters with an excuse for being
26 absent on election day, then it became an option available to any
27 voter, and eventually the law allowed for permanent vote by mail
28 voters who are automatically sent a vote by mail ballot for every
29 election.

30 (f) Similarly, the federal Motor Voter Law was enacted more
31 than 20 years ago based on a paper voter registration process, but
32 may now use modern electronic data technologies to make voter
33 registration easier, more convenient, and more efficient, while also
34 preserving citizens’ choice to decline to be registered or cancel
35 their registration at any time.

36 (g) It is the intent of the Legislature to enact the California New
37 Motor Voter Program to provide California citizens additional
38 opportunities to participate in democracy through exercise of their
39 fundamental right to vote.

1 2262. The Secretary of State and the Department of Motor
2 Vehicles shall establish the California New Motor Voter Program
3 for the purpose of increasing opportunities for voter registration
4 by any person who is qualified to be a voter under Section 2 of
5 Article II of the California Constitution.

6 2263. (a) (1) ~~Except~~*The Secretary of State, in consultation*
7 *with the Department of Motor Vehicles, shall establish a schedule*
8 *for the department to electronically provide to the Secretary of*
9 *State the records specified in this subdivision.*

10 (2) ~~Except as provided in paragraph (2), the Secretary of State,~~
11 ~~in consultation with the Department of Motor Vehicles, shall~~
12 ~~establish a schedule for the department to electronically provide~~
13 ~~to the Secretary of State the records of a person who is issued an~~
14 ~~original or renewal of a driver's license pursuant to Article 3~~
15 ~~(commencing with Section 12800) of Chapter 1 of Division 6 of~~
16 ~~the Vehicle Code. The department shall electronically provide to~~
17 ~~the Secretary of State the records in accordance with the established~~
18 ~~schedule.~~ (3), *the Department of Motor Vehicles shall electronically*
19 *provide to the Secretary of State the records of a person who is*
20 *issued an original or renewal of a driver's license or state*
21 *identification card if the proof that the applicant is required to*
22 *submit to prove that his or her presence in the United States is*
23 *authorized under federal law also establishes that the applicant*
24 *is a citizen of the United States. The records shall include the*
25 *person's name, age, residence address, and electronic signature.*

26 (2)

27 (3) The department shall not electronically provide the records
28 of a person who is issued a driver's license pursuant to Section
29 12801.9 of the Vehicle Code because he or she is unable to submit
30 satisfactory proof that his or her presence in the United States is
31 authorized under federal law.

32 (b) Upon receipt of records pursuant to subdivision (a), the
33 Secretary of State shall provide the records to the county elections
34 official of the county in which the person may be registered to
35 vote, unless the Secretary of State determines that the person is
36 not eligible to register to vote or is already registered to vote.

37 (c) The Secretary of State shall notify each person whose records
38 are sent to a county elections official of all of the following:

1 (1) That he or she will be registered to vote unless he or she
2 declines to be registered within 21 days after the date that the
3 Secretary of State issues the notification.

4 (2) The method by which he or she may decline to be registered
5 to vote.

6 (3) The method by which he or she may include his or her
7 political party preference on his or her voter registration.

8 (d) If a person notified under subdivision (c) does not decline
9 to be registered to vote within 21 days after the date that the
10 Secretary of State issues the notification, the person's records shall
11 constitute a completed affidavit of registration and the person shall
12 be registered to vote.

13 2264. A person registered to vote may cancel his or her voter
14 registration at any time by submitting a request to the county
15 elections official pursuant to Section 2201.

16 2265. This chapter does not affect the confidentiality of a
17 person's voter registration information, which remains confidential
18 pursuant to Section 2194 of this code and Section 6254.4 of the
19 Government Code and for all of the following persons:

20 (a) A victim of domestic violence, sexual assault, or stalking
21 pursuant to Section 2166.5.

22 (b) A reproductive health care service provider, employee,
23 volunteer, or patient pursuant to Section 2166.5.

24 (c) A public safety officer pursuant to Section 2166.7.

25 (d) A person with a life-threatening circumstance upon court
26 order pursuant to Section 2166.

27 2266. The Secretary of State shall adopt regulations to
28 implement this chapter.